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DOCKET NO. ORT 1483

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Hesna J. Pfeiffer
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Hesna J. Pfeiffer
Signature

August 17, 2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Elfrida R. Grant, et al.

Serial No.: 09/922,658

Group No.: 1617

Filed: August 6, 2001

Examiner: Criares

For: 2-PYRIDINAMINE COMPOSITIONS AND RELATED METHODS

Mail Stop Petition
Commissioner for Patents
Washington, D.C. 20231

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137

Applicant petitions for the revival of the above-identified application.

The above-identified application apparently became abandoned pursuant to 35 USC § 133; the presumed abandonment date of this application is May 12, 2003.

The facts are the following: The USPTO sent a restriction request to Applicants on November 12, 2002. Applicants filed a response, with appropriate extension of time, on January 10, 2003. This response may or may not have been received by the USPTO, but in June 2003, there was communication about the lack of response between the Examiner and the attorney of record, Dr. Myra McCormack. A copy by FAX of the January 10 response was sent from Dr McCormack's office to Examiner Criares on June 16, 2003. No response to the June 16 fax was received from Examiner Criares. Thereafter, Applicants' attorney assumed the application was in good order; even filing supplemental IDS in March 2004. Applicants' internal records show the case as being alive and in good order. No Formal Notice of Abandonment was received or is in the file or internal records of the application.

Adjustment date: 09/10/2004
01/22/2003 CNGUYEN 00000005 100750 09922658
01 FC:1251 110.00 CR
09/10/2004 AKELLEY 00000011 100750 09922658
01 FC:1460 130.00 DA

The undersigned attorney became aware today, August 17, 2004, of the suspect status of the case. The undersigned took up the corresponding EPO application to order to prepare a response in that application. She reviewed the US files and noticed the correspondence in June 2003 between the PTO Examiner and Dr McCormack, and also the lack of official response. She then telephoned the PTO, and SPE Padmanabhan informed her that PTO records show the case as abandoned. The uncertainty of the undersigned regarding the status of the application was due to the fact that the Johnson & Johnson file jacket lacks any official "Notice of Abandonment". Later on the morning of 8/17/04, the undersigned called both Examiner Criares and the SPE Padmanabhan to ask for a copy of any such Notice, and left messages on their voice mail systems.

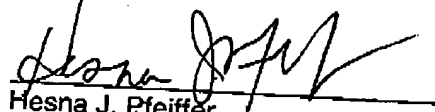
In view of the fact that the response to the Restriction Requirement was previously filed on January 10, 2003, no response is attached.

There is also a divisional application from the above application, filed 3/28/2003, USSN 10/402,094, which is pending.

Fee payment:

- ☒ Charge the petition fee of \$130.00 to Account 10-0750/MHM/1483 and for any additional fee required. A duplicate of this petition is attached.
- ☒ Charge Account 10-0750 for any additional fee required.

Respectfully submitted,



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Date: August 17, 2004